



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 37697-0033

In re patent application of

Edward W. MERRILL *et al.*

Confirmation No.: 8881

Serial No.: 09/764,445

Art Unit: 3738

Filed: January 19, 2001

For: Radiation and Melt Treated Ultra High Molecular Weight
Polyethylene Prosthetic Devices

COMMUNICATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants provide a copy of U.S. Patent No. 6,242,507 B1 to Saum *et al.*, which issued June 5, 2001. This patent is a continuation of U.S. Patent No. 6,017,975, and is terminally disclaimed over the '975 patent due to obviousness-type double patenting grounds.

Claims 1-20 that issued in the '507 patent were rejected over claims 1-14 of the '975 patent. Claim 1 of the '975 patent was copied in the captioned application on January 19, 2001 as application claim 124, and at least application claim 124 corresponds to the claims in the '507 patent. Other claims from the '975 patent were copied as well. Because these claims were copied prior to the issuance of the '507 patent, the requirements of 35 USC § 135 have been met.

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Applicants request examination of the claims. A first office action on the merits
is awaited.

Respectfully submitted,

August 9, 2002


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